

1 THE HONORABLE JEFFREY RAMSDELL

2 Trial Date: October 7, 2013

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6
7 SUPERIOR COURT FOR THE STATE OF WASHINGTON
8 IN AND FOR KING COUNTY

9 DONALD NOLL and CANDANCE NOLL,
husband and wife,

10 Plaintiffs,

11 v.

12 AMERICAN BILTRITE, INC., ET AL.;

13 Defendants.

No. 13-2-06781-1 SEA

NOTICE OF CR 30(b)(6)
DEPOSITION OF DEFENDANT J-M
MANUFACTURING CO. INC.

14
15 TO: J-M MANUFACTURING CO. INC.

16 AND TO: Counsel for Defendant J-M MANUFACTURING CO. INC.

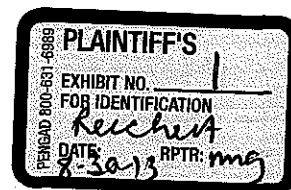
17 YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE that pursuant to CR 30(b)(6), the
18 testimony of J-M MANUFACTURING CO. INC. will be taken on oral examination at the
19 instance and request of the Plaintiffs in the above-entitled action as follows:

20 DATE: August 30, 2013

21 TIME: 9:00 AM (PST)

22 CALL-IN NUMBER: To be provided

23 PLACE: Hilton Stockton
2323 Grand Canal Blvd.
Stockton, CA 95207



1 **COURT REPORTER: Pohlman USA Court Reporting**
2 **10 South Broadway, Suite 1400**
3 **St. Louis, MO 63102**
4 **Phone: 877.421.0099**
 Fax: 314.421.1115
 www.PohlmanUSA.com

5 On that day, the said oral examination of said corporation at said time and place to be
6 subject to continuance or adjournment from time to time or place to place until completed.

7 The deponent shall produce all documents responsive to the attached Rider no later than
8 seven (7) business days before the beginning of the deposition.

9 PURSUANT to Washington Civil Rule 30(b)(6), demand is hereby made that J-M
10 MANUFACTURING CO. INC. duly designate one or more officers, directors or managing
11 agents, or other person(s) who consent to testify on behalf of J-M MANUFACTURING CO.
12 INC. ("Defendant") and who are familiar with the facts, opinions and other matters regarding:

13 **DEFINITIONS**

14 "YOU" and "YOUR" means each Defendant J-M Manufacturing Company Inc., its
15 subsidiaries, agents, officers and any and all predecessors-in-interest.

16 "PERSON" and "PERSONS" include a natural person, firm, association, organization,
17 partnership, business, trust, corporation or public entity.

18 "WRITINGS" and "DOCUMENTS" mean, without limitation, the following items,
19 whether printed or recorded or reproduced by any other mechanical process or written or
20 produced by hand: any records, contracts, agreements, communications, correspondence,
21 telegrams, memoranda, summaries of records of telephone conversations, summaries of records
22 of personal conversations or interviews, diaries, graphs, reports, notebooks, note charts, plans,
23 drawings, illustrations, sketches, photographs, maps, minutes, summaries of records or meetings
or conference, summaries or reports of investigations or negotiations, opinions or reports of
consultants, written analysis reports, tape recordings, motion picture film, brochures, pamphlets,
NOTICE OF CR 30(b)(6) DEPOSITION OF DEFENDANT J-M
MANUFACTURING CO.

WEINSTEIN COUTURE PLLC
1001 FOURTH AVENUE, SUITE 4400
SEATTLE, WASHINGTON 98154
(206) 389-1734 - FACSIMILE (206) 389-1708

1 advertisements, circulars, press releases, drafts, letters, any marginal comments appearing on any
2 document, tags, signs, warnings, transcripts, bills, invoices, market surveys, inventories, papers,
3 diagrams, statements, or testimony of any nature, documents, treatises, theses, books or
4 accounting, and any and all other writings.

5 "PERTAINING TO" shall mean regarding, relating to, referring to, referencing,
6 concerning, discussing, evidencing, supporting, identifying or describing.

7 "ASBESTOS" means asbestos fiber of any type or grade.

8 The words "ASBESTOS" or "ASBESTOS-CONTAINING PRODUCTS" ("ACP")
9 means any and all products, supplies, equipment or other materials which YOU know or believe
10 to have contained any amount of asbestos at any time, including, but not limited to asbestos-
11 cement pipe.

12 "PLAINTIFF" means Donald Noll.

13 "RELEVANT TIME PERIOD" means 1983 through 1989.

14 "IDENTIFY" and "IDENTIFYING" when used with respect to ACP shall mean to
15 describe by size, shape, color, manufacturer's name, brand name, name of the entity which
16 supplied YOU with the product or ACP, or other IDENTIFYING characteristics; when used with
17 reference a PERSON shall mean to describe by name, last known telephone number and last
18 known address.

19 INFORMATION SOUGHT

- 20 1. All information PERTAINING TO YOUR DOCUMENT retention policy.
- 21 2. All information PERTAINING TO YOUR corporate formation, acquisitions,
22 mergers and relationships with subsidiary entities.
- 23 3. All information PERTAINING TO sales catalogs, brochures, specification sheets,
photos, films, photocopies which depict any ASBESTOS-CONTAINING PRODUCTS sold or
distributed by YOU.
4. All information PERTAINING TO model number, model name or symbol of any
of ASBESTOS-CONTAINING PRODUCTS sold or distributed by YOU.

1 5. All information PERTAINING TO the packaging, name or logo associated with
2 any of ASBESTOS-CONTAINING PRODUCTS sold or distributed by YOU.

3 6. All information PERTAINING TO the sales and/or distribution of any and all
4 ASBESTOS and/or ASBESTOS-CONTAINING PRODUCTS which YOU sold or distributed
5 within the State of Washington during the RELEVANT TIME PERIOD.

6 7. All information PERTAINING TO the brand name or supplier of ASBESTOS
7 and ACP which YOU sold or distributed.

8 8. All information PERTAINING TO PERSONS to whom YOU sold or distributed
9 ASBESTOS-CONTAINING PRODUCTS during or prior to the RELEVANT TIME PERIOD.

10 9. All information PERTAINING TO PERSONS involved in the sales and/or
11 distribution of any and all of ASBESTOS-CONTAINING PRODUCTS which YOU sold or
12 distributed within the State of Washington during the RELEVANT TIME PERIOD.

13 10. YOUR knowledge of the hazards of asbestos, and specifically when YOU knew
14 that asbestos could cause asbestosis, lung cancer and/or mesothelioma and how YOU learned of
15 same.

16 11. Any precautions and procedures undertaken by YOU with respect to the hazards
17 of asbestos.

18 12. The identity and description, sufficient for the purposes of a request for
19 production and/or subpoena duces tecum, of all documents in YOUR possession, custody or
20 control admissible on the issue of YOUR profits and financial condition.

21 13. The identity of any witnesses employed and/or related to YOU most competent to
22 testify to YOUR (a) current financial condition; (b) net profits; (c) ability to pay a punitive
23 damages award in this matter and/or (d) gross sales and the net profits derived from the sales of
asbestos-containing products between 1982 and the present.

 14. Knowledge about the level and content of the asbestos dust generated during the
ordinary and foreseeable installation, removal, use or repair of ACPs sold or distributed by YOU.

1 15. Precautions and procedures undertaken by YOU or YOUR employees with
2 respect to the hazards of asbestos, between 1982 and 1989.

3 16. Warnings/precautionary statements concerning asbestos accompanying ACPs sold
4 or distributed by YOU, including the content of any such warning/precautionary statements, the
5 reasons for the warning/precautionary statements, the dates such warnings/statements were used
6 and/or revised, the manner in which they accompanied the products into the stream of commerce
7 (e.g. via package insert, label on the product itself, etc.).

8 17. Any other manner in which YOU contend YOU warned potential users of the
9 potential hazards of asbestos.

10 18. When and how YOU actually became aware that warnings/precautionary
11 statements were to be placed on asbestos containing products.

12 19. All information pertaining to asbestos-related claims made against YOU, or
13 YOUR workers' compensation insurance carrier, including the date(s) filed, the alleged injuries,
14 whether or not YOU paid the claim.

15 20. When and why YOU stopped selling, marketing and/or distributing products
16 which used or contained ASBESTOS.

17 21. Medical consultations/advice sought and/or received by YOU pertaining to health
18 hazards of ASBESTOS prior to or during the time that YOU were selling, marketing and/or
19 distributing ACPs.

20 22. The identity of publications/articles/brochures/pamphlets of which YOU were
21 aware that dealt with asbestos-related disease, including any such information received by your
22 client from any trade organization, and when it became aware of that information.

23 23. The content of YOUR promotional materials (e.g. advertisements, catalogs,
24 brochures, etc.) pertaining to ACPs sold or distributed.

25 24. Any product recall notices pertaining to ACPs sold or distributed by YOU.

1 25. Any asbestos related OSHA violations by YOU or asbestos related violations by
2 YOU of federal or state governmental statutes, ordinances or regulations between 1982 and the
3 present.

4 26. YOUR membership in and/or affiliation with, including years of same, any of the
5 following: American Textile Institute (ATI), Asbestos Information Association (AIA), Industrial
6 Health Foundation or Industrial Hygiene Foundation (IHF), National Insulation Manufacturers
7 Assn. (NIMA), National Insulation Contractors Assn. (NICA), National Safety Council (NSC),
8 American Ceramics Society (ACS), National Building Materials Distributors Assn. (NIA),
9 Sprayed Mineral Fiber Manufacturers Assn. (SMFMA), Thermal Insulation Manufacturers Assn.
10 (TIMA), Quebec Asbestos Mining Assn. (QAMA), American Society of Mechanical Engineers
(ASME), and/or any other trade organization of which you were a member.

11 27. YOUR corporate history.

12 28. Any and all documents, which relate, in any way, to health hazards or problems
13 associated with the use of ACPs sold or distributed by YOU.

14 29. Knowledge regarding the ordinary and intended use of ACPs sold or distributed
15 by YOU.

16 30. YOUR understanding of the potential health effects and risks associated with
17 asbestos as demonstrated by the development and publication of federal Occupational Safety and
18 Health Administration (OSHA) guidelines.

19 31. All information regarding your compliance with all applicable requirements,
20 specifications and/or guidelines provided by OSHA and/or other federal or state governmental
21 authorities overseeing workplace health and safety.

22 32. All information pertaining to PERSONS with responsibility for YOUR
23 compliance with all applicable requirements, specifications and/or guidelines provided by OSHA
and/or other federal or governmental authorities overseeing workplace health and safety.

 33. All information pertaining to any patents held by YOU, acquired by YOU, or for
which YOU applied, concerning YOUR ASBESTOS-CONTAINING PRODUCTS.

1 34. All information pertaining to studies, industrial hygiene surveys, or other testing,
2 conducted by YOU, on YOUR behalf, or by anyone else, concerning YOUR ASBESTOS-
3 CONTAINING PRODUCTS.

4 35. All information pertaining to studies, industrial hygiene surveys or other testing,
5 conducted by YOU, on YOUR behalf, or by anyone else, concerning the effects of inhalation of
6 ASBESTOS, including but not limited to ASBESTOS emanating from YOUR ASBESTOS-
7 CONTAINING PRODUCTS.

8
9 DATED this 27th day of August 2013.

10 WEINSTEIN COUTURE PLLC

11 s/ Brian D. Weinstein

12 BRIAN D. WEINSTEIN, WSBA #24497

13 BENJAMIN R. COUTURE, WSBA #39304

14 Counsel for Plaintiffs

15 OF COUNSEL:

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17 ANGELIDES & BARNERD LLC

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